UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,671	08/07/2000	BILLY G. MOON	062891.0415	4021

7590 05/04/2005

BARTON E SHOWALTER
BAKER BOTTS L L P
2001 ROSS AVENUE
DALLAS, TX 75201-2980

EXAMINER	
LIN, KENNY S	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/632,671	MOON, BILLY G.	
	Examiner	Art Unit	
	Kenny Lin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/28/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-31 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 8-9, 15, 18-19 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik, US 6,104,505, in view of Simpson, W., RFC 1661 – The Point-to-Point Protocol (PPP), July 1994, Network Working Group (RFC 1661).

4. Malik and RFC 1661 were cited in the previous office action.

5. As per claim 1, Malik taught the invention substantially as claimed including a communication apparatus comprising:

a. A client interface operable to receive data (col.4, lines 66-67, col.5, lines 1-7);

b. A protocol module operable to encapsulate the data as a payload of a facsimile page transmission (col.2, lines 42-53, col.4, lines 66-67, col.5, lines 1-7, col.9, lines 65-67, col.10, lines 1-22, 32-37, 54-61; fig.1, 5,6 and 10; data encapsulated from direction connection of external data source to source terminal); and

c. A network interface operable to establish a link with a remote location (col.6, lines 31-35), to negotiate a facsimile communications session with the remote location (col.7, lines 5-19), and to communicate the facsimile page transmission to the remote location (col.5, lines 29-33, col.10, lines 54-61).

6. Malik did not specifically teach that the data is PPP data. Malik taught that the external data source may be of any type that would benefit from transferring data to the destination including a computer providing digital data (col.5, lines 1-7, col.13, lines 25-26) where the external data source communicate with the source terminal (fig.1, 5,6 and 10, col.5, lines 37-62; source terminal is computer) through an external interface (col.5, lines 12-24, col.6, lines 9-12) which establishes a setup suitable for using point-to-point protocol. RFC 1661 taught about PPP and its advantages (sections 1, 2, 3.4). It is obvious to one of ordinary skill in the art to use point-to-point protocol for communication between peer-to-peer devices since PPP implements LCP and NCP and uses LCP to agree encapsulation format and detect looped-back link and NCP to negotiate network addresses and further rely on the simple configuration of PPP links (sections 1, 2, 3.4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Malik and the RFC 1661 because RFC 1661's teaching of PPP enables Malik's apparatus to take advantage of the easy configuration of establishing PPP links (LCP) and to transport packets between peer devices using PPP.

7. As per claims 8, 18 and 25, Malik taught the invention substantially as claimed including a method for wireless communication comprising:

a. Establishing a link with a remote location (col.6, lines 31-35);

b. Negotiating a facsimile communication session with the remote location (col.7, lines 5-19);

c. Encapsulating data as a payload of a facsimile page transmission (col.2, lines 42-53, col.4, lines 66-67, col.5, lines 1-7, col.9, lines 65-67, col.10, lines 1-22, 32-37, 54-61; fig.1, 5,6 and 10; data encapsulated from direction connection of external data source to source terminal); and

d. Communicating the facsimile page transmission to the remote location (col.5, lines 29-33, col.10, lines 54-61).

8. Malik did not specifically teach that the data is PPP data. Malik taught that the external data source may be of any type that would benefit from transferring data to the destination including a computer providing digital data (col.5, lines 1-7, col.13, lines 25-26) where the external data source communicate with the source terminal (fig.1, 5,6 and 10, col.5, lines 37-62; source terminal is computer) through an external interface (col.5, lines 12-24, col.6, lines 9-12) which establishes a setup suitable for using point-to-point protocol. RFC 1661 taught about PPP and its advantages (sections 1, 2, 3.4). It is obvious to one of ordinary skill in the art to use point-to-point protocol for communication between peer-to-peer devices since PPP implements LCP and NCP and uses LCP to agree encapsulation format and detect looped-back link and NCP to negotiate network addresses and further rely on the simple configuration of PPP links (sections 1, 2, 3.4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Malik and the RFC 1661 because RFC 1661's

teaching of PPP enables Malik's apparatus to take advantage of the easy configuration of establishing PPP links (LCP) and to transport packets between peer devices using PPP.

9. As per claim 15, Malik taught the invention substantially as claimed including a communication system comprising:

a. A mobile unit operable to establish a link with a server using a wireless digital network (col.6, lines 31-41, col.11, lines 47-61; wireless modem replacing analog lines 22 and 21 of fig.1), to negotiate a facsimile communications session with the server (col.7, lines 5-19), to encapsulate client data as a payload of a facsimile page transmission (col.2, lines 42-53, col.4, lines 66-67, col.5, lines 1-7, col.9, lines 65-67, col.10, lines 1-22, 32-37, 54-61; fig.1, 5,6 and 10; data encapsulated from direction connection of external data source to source terminal), and to communicate the facsimile page transmission to the server (col.5, lines 29-33, col.10, lines 54-61); and

b. a server operable to receive the facsimile page transmission (col.5, lines 29-33, col.10, lines 54-61, col.11, lines 13-14), to extract the client data (col.11, lines 26-30), to encapsulate server data as a payload of a page transmission acknowledgement (col.2, lines 42-53, col.4, lines 66-67, col.5, lines 1-7, col.9, lines 65-67, col.10, lines 1-22, 32-37, 54-61; vice versa procedure), and to communicate the acknowledgement to the mobile station (col.5, lines 29-33, col.10, lines 54-61).

10. Malik did not specifically teach that the data is PPP data. Malik taught that the external data source may be of any type that would benefit from transferring data to the destination including a computer providing digital data (col.5, lines 1-7, col.13, lines 25-26) where the external data source communicate with the source terminal (fig.1, 5,6 and 10, col.5, lines 37-62; source terminal is computer) through an external interface (col.5, lines 12-24, col.6, lines 9-12) which establishes a setup suitable for using point-to-point protocol. RFC 1661 taught about PPP and its advantages (sections 1, 2, 3.4). It is obvious to one of ordinary skill in the art to use point-to-point protocol for communication between peer-to-peer devices since PPP implements LCP and NCP and uses LCP to agree encapsulation format and detect looped-back link and NCP to negotiate network addresses and further rely on the simple configuration of PPP links (sections 1, 2, 3.4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Malik and the RFC 1661 because RFC 1661's teaching of PPP enables Malik's apparatus to take advantage of the easy configuration of establishing PPP links (LCP) and to transport packets between peer devices using PPP.

11. As per claims 2, 9, 19 and 26, Malik and RFC 1661 taught the invention substantially as claimed in claims 1, 8, 18 and 25. Malik further taught to establish the link with the remote location using a wireless digital network (col.6, lines 31-41, col.11, lines 47-61; wireless modem replacing analog lines 22 and 21 of fig.1).

12. Claims 6-7, 12-13, 22-23 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik and RFC 1661 as applied to claims 1, 8, 18 and 25 above, and further in view of "Official Notice".

13. As per claims 6, 12, 22 and 29, Malik and RFC 1661 taught the invention substantially as claimed in claims 1, 8, 18 and 25. Malik further taught that the network interface is further operable to receive a page transmission frame (col.2, lines 42-53, col.4, lines 66-67, col.5, lines 1-7, col.9, lines 65-67, col.10, lines 1-22, 32-37, 54-61), wherein the frame includes PPP data (col.5, lines 29-33, col.10, lines 54-61; data encapsulated from direction connection of external data source to source terminal is inherently known as point-to-point data), and to extract PPP data from the received data frame (col.2, lines 42-53, col.4, lines 66-67, col.5, lines 1-7, col.9, lines 65-67, col.10, lines 1-22, 32-37, 54-61, col.11, lines 26-30). Malik and RFC 1661 did not specifically teach that the frame is an acknowledgement. However, Malik taught that the data information can be any data (col.5, lines 1-7). Official Notice is taken that it would have been obvious to send an acknowledgement including data that can be extracted similar to sending an email message with attached files. It would have been obvious to one of ordinary skill in the art at the time the invention was made to manipulate Malik and RFC 1661's method to send acknowledgement that includes PPP data that is extractable by the module to attach reports in the acknowledgements to ensure reception of the message.

14. As per claims 7, 13, 23 and 30, Malik and RFC 1661 taught the invention substantially as claimed in claims 1, 8, 18 and 25. Malik and RFC 1661 did not specifically teach that wherein

the PPP data comprise automobile status information. However, Malik taught that the data information can be any data (col.5, lines 1-7). Official Notice is taken that it would have been obvious to include different types of information in the PPP data depending on user needs and designs choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a wide variety of types of information in the PPP data according to service needs and designs choice in Malik and RFC 1661's method.

15. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malik and RFC 1661 as applied to claim 1 above, and further in view of Kahleck et al (Kahleck), US 5,673,190.

16. Kahleck was cited in the office action dated 3/29/2004 in response to applicant argument as a reference in supporting official notice taken.

17. As per claim 5, Malik and RFC 1661 taught the invention substantially as claimed in claim 1. Malik and RFC 1661 did not specifically teach wherein:

a. The client interface is further operable to receive additional PPP data;
b. The protocol module is further operable to encapsulate the additional PPP data as a payload of a second facsimile page transmission; and
c. The network interface is further operable to negotiate a second facsimile communications session with the remote location and to communicate the second facsimile page transmission to the remote location.

However, it would have been obvious to implement Malik and RFC 1661's method to handle additional PPP data encapsulation and provide multiple facsimile page transmissions using multiple facsimile communication sessions in order to provide the service to multiple users at the same time. Kahleck suggested that a primary standard module is included for performing the invention, however, additional optional modules can be added to expand the system (col.4, lines 45-47, 49-51). It would have been obvious to combine the teachings of Malik, RFC 1661 and Kahleck to handle additional PPP data encapsulation and provide multiple facsimile page transmissions using multiple facsimile communication sessions in order to provide the service to multiple users at the same time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Malik, RFC 1661 and Kahleck because Kahleck's teaching of expanding system enhances Malik and RFC 1661's method in order for it to provide the service to multiple users by handling additional PPP data and establishing multiple facsimile communication sessions.

18. Claims 3-4, 10, 14, 17, 20, 24, 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik and RFC 1661 as applied to claims 1, 8, 15, 18 and 25 above, and further in view of Kenmochi, US 5,854,830.

19. Kenmochi was cited in the previous office action.

20. As per claims 3, 10, 20 and 27, Malik and RFC 1661 taught the invention substantially as claimed as claimed in claims 1, 8, 18 and 25. Malik and RFC 1661 did not specifically teach wherein the network interface is further operable to:

a. Signal a local offhook indication to the remote location;

b. Receive a remote offhook indication from the remote location; and

c. Communicate voice information with the remote location using the link.

However, it would have been obvious to signal offhook indication to the remote location or to detect offhook indication from the remote location when either the apparatus or the remote location device is busy similar to the phone system. Kenmochi taught a method of concurrent voice and facsimile communication (col.1, lines 37-40) wherein a network interface is operable to

d. Signal a local offhook indication to the remote location (col.3, lines 50-67, col.4, lines 1-5);

e. Receive a remote offhook indication from the remote location (col.3, lines 50-67, col.4, lines 1-5); and

f. Communicate voice information with the remote location using the link (col.3, lines 53-55, col.4, lines 6-22).

21. It would have been obvious to one of ordinary skill in the art at the time the invention to combine the teachings of Malik, RFC 1661 and Kenmochi because Kenmochi's teaching communicating voice information with the remote location using the link help Malik and RFC 1661's method to not only provide facsimile communication but also voice communication and

concurrent FAX/voice communication having offhook indication to perform mode switching (col.3, lines 50-67, col.4, lines 1-22).

22. As per claim 4, Malik, RFC 1661 and Kenmochi taught the invention substantially as claimed in claim 3. Kenmochi further taught the apparatus to comprise:

a. an audio input device operable to receive outbound voice information from a user (telephone; col.3, lines 23-25);

b. an audio output device operable to generate audio output based upon inbound voice information from the remote location (col.3, lines 11-22); and

a switch operable to:

c. disable the input device and the output device while the interface negotiates the facsimile communications session and communicates the facsimile page transmission (col.3, lines 23-33); and

d. enable the input device and the output device while the interface communicates voice information with the remote location (col.3, lines 23-30).

23. As per claims 14, 24 and 31, Malik and RFC 1661 taught the invention as claimed in claims 8, 18 and 25. Malik and RFC 1661 did not specifically teach wherein negotiating the facsimile communication session comprises signaling a request for binary file transfer mode. Kenmochi taught a facsimile and voice communication method wherein that the communication terminal is binarized (abstract, col.8, lines 38-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Malik, RFC 1661

and Kenmochi because Kenmochi's teaching of using binarized communication terminal for transmission help Malik and RFC 1661's method to binarize and multiplex analog signals.

24. As per claim 17, Malik and RFC 1661 taught the invention substantially as claimed in claim 15. Malik and RFC 1661 did not specifically teach wherein the mobile unit and the server are each operable to signal an offhook indication and communication voice information using the link. However, it would have been obvious to signal offhook indication to the remote location or to detect offhook indication from the remote location when either the apparatus or the remote location device is busy similar to the phone system. Kenmochi taught a method of concurrent voice and facsimile communication (col.1, lines 37-40) operable to signal a local offhook indication (col.3, lines 50-67, col.4, lines 1-5); and communicate voice information using the link (col.3, lines 53-55, col.4, lines 6-22). It would have been obvious to one of ordinary skill in the art at the time the invention to combine the teachings of Malik, RFC 1661 and Kenmochi because Kenmochi's teaching communicating voice information with the remote location using the link help Malik and RFC 1661's method to not only provide facsimile communication but also voice communication and concurrent FAX/voice communication having offhook indication to perform mode switching (col.3, lines 50-67, col.4, lines 1-22).

25. Claims 11, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik, RFC 1661 and Kenmochi as applied to claims 10, 20 and 27 above, and further in view of Kahleck et al (Kahleck), US 5,673,190.

26. As per claims 11, 21 and 28, Malik, RFC 1661 and Kenmochi taught the invention substantially as claimed in claims 10, 20, and 27. Malik, RFC 1661 and Kenmochi did not specifically teach to comprise:

a. negotiating a second facsimile communications session with the remote location

b. encapsulating the additional PPP data as a payload of a second facsimile page transmission; and

c. communicating the second facsimile page transmission to the remote location.

27. However, it would have been obvious to implement Malik, RFC 1661 and Kenmochi's method to handle additional PPP data encapsulation and provide multiple facsimile page transmissions using multiple facsimile communication sessions in order to provide the service to multiple users at the same time. Kahleck suggested that a primary standard module is included for performing the invention, however, additional optional modules can be added to expand the system (col.4, lines 45-47, 49-51). It would have been obvious to combine the teachings of Malik, RFC 1661, Kenmochi and Kahleck to handle additional PPP data encapsulation and provide multiple facsimile page transmissions using multiple facsimile communication sessions in order to provide the service to multiple users at the same time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Malik, RFC 1661, Kenmochi and Kahleck because Kahleck's teaching of expanding system enhances Malik, RFC 1661 and Kenmochi's method in order for it to provide the service to multiple users by handling additional PPP data and establishing multiple facsimile communication sessions.

28. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malik and RFC 1661 as applied to claim 15 above, and further in view of Chou et al (hereinafter Chou), US 6,330,499.

29. Chou was cited in the previous office action.

30. As per claim 16, Malik and RFC 1661 taught the invention substantially as claimed in claim 15. Malik further taught to encode information as PPP data and to communicate the PPP data with remote location (col.5, lines 29-33, col.10, lines 54-61). Malik and RFC 1661 did not specifically teach the system to comprise:

a. An automobile diagnostic module operable to generate automobile status information;

b. A client coupled to the automobile diagnostic module and to the mobile unit, the client operable to receive the status information from the automobile diagnostic module, and to communicate the information to the mobile unit.

31. Chou taught a system and method with an automobile diagnostic module operable to generate automobile status information (col.1, lines 34-40, 42-47, col.2, lines 30-34); a client coupled to the automobile diagnostic module and to the mobile unit (col.2, lines 34-54), the client operable to receive the status information from the automobile diagnostic module (col.2, lines 45-47), to encode the status information as the client PPP data, and to communicate the

client PPP data to the mobile unit (col.2, lines 48-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Malik, RFC 1661 and Chou since Chou's teaching of generating automobile status information and transmitting the information for communication enables Malik and RCF 1661's communication system to provide voice or facsimile communications between automobile drivers and roadside service centers or car dealers.

Response to Arguments

32. Applicant's arguments filed 2/28/2005 have been fully considered but they are not persuasive.

33. In the remark, applicant argued (1) There is no motivation to combine Malik and Simpson (RFC 1661). The Malik and Simpson references are clearly non-analogous. (2) The references fails to teach encapsulating PPP data as a payload of a facsimile transmission because one of skill in the art would not be motivated to further encapsulate PPP data and send the PPP data using a facsimile transmission, instead, for information already formed as PPP data, one of skill in the art would instead look to send the PPP data directly using point-to-point protocol, without further encapsulation (see page 12, lines 20-28). (3) Applicant request examiner to cite reference in supporting the Official Notice taken.

34. Examiner traverse the argument:

As to point (1), Malik provided motivation in combining with RFC 1661 (Simpson). Malik taught that the external data source may be of any type that would benefit from transferring data to the destination including a computer providing digital data (col.5, lines 1-7, col.13, lines 25-26) where the external data source communicate with the source terminal (fig.1, 5,6 and 10, col.5, lines 37-62; source terminal is computer) through an external interface (col.5, lines 12-24, col.6, lines 9-12) which establishes a setup suitable for using point-to-point protocol. RFC 1661 taught about PPP data (sections 1, 2, 3.4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Malik and the RFC 1661 because RFC 1661's teaching of PPP enables Malik's apparatus to take advantage of the easy configuration of establishing PPP links and to transport PPP data between devices. In response to applicant's argument that RFC 1661 is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, RFC 1661 teaches the use of PPP data, which is in the field of applicant's endeavor.

As to point (2), examiner combined Malik and RFC 1661 using Malik's encapsulation scheme to further encapsulate PPP data suggested by RFC 1661 as a payload of a facsimile transmission. Applicant's conclusion and argument of "one in the art sending information already formed as PPP data directly using point-to-point protocol rather than encapsulating the data to use facsimile transmission" is based on the assumption that both a PPP communication link and a facsimile communication link are available from a client to a remote location (destination location).

However, this is not in accordance to what is claimed. The claim language does not clearly define that there exist a PPP communication link between the client and the remote location (destination location where facsimile page transmission encapsulating PPP data is to be sent). Rather, the claim language only claim to negotiate a facsimile communication link between the client and the remote location. Thus, the PPP data received by the client **is not from** the remote location since there exist not a PPP communication link between the client and the remote location. In order for the client to send to the remote location PPP data that the client received from else where, the PPP data must be converted or wrapped into a format that the communication link supports, which in this case, facsimile communication protocols. One of ordinary skill in the art would have been motivated to encapsulate PPP data as a payload of a facsimile page transmission using Malik's data encapsulation scheme to send the data to the remote location since there exist only the facsimile communication link between the client and the remote location. Malik taught that the external data source may be of any type that would benefit from transferring data to the destination including a computer providing digital data (col.5, lines 1-7, col.13, lines 25-26) where the external data source communicate with the source terminal (fig.1, 5,6 and 10, col.5, lines 37-62; source terminal is computer) through an external interface (col.5, lines 12-24, col.6, lines 9-12) which establishes a setup suitable for using point-to-point protocol. RFC 1661 taught about PPP data (sections 1, 2, 3.4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Malik and the RFC 1661 because RFC 1661's teaching of PPP enables Malik's apparatus to take advantage of the easy configuration of establishing PPP links and to transport PPP data between devices.

As to point (3), in response to applicant's request, examiner provided the following references. Cunningham et al, US 6,360,095, published on March 19, 2002, but filed on September 24, 1998, disclose the use of acknowledgements with extractable data (col.10, lines 53-58). Benson et al, US 5,635,693, published on June 3, 1997 disclosed the transferring of automobile status information (col.3, lines 49-57, col.4, lines 51-65).

Conclusion

35. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl
April 28, 2005